

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

CBT NUGGETS, L.L.C.,

Plaintiff,

v.

TRI NGUYEN,

Defendant.

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Civ. No. 6:12-cv-291-MC

**MINUTE ORDER**

MCSHANE, Judge:

This Minute Order serves as clarification and follow-up on motions previously addressed and/or taken under advisement during the Pre-Trial Hearing on 01/07/2014. The Court orders the following:

Plaintiff's Exhibit #47 (Adair letter) shall remain redacted.

Any exhibits pertaining *exclusively* to the former defendants Hue Nguyen or Hung Tran shall be excluded from trial, as these defendants have been severed from this case.

Plaintiff's Deposition Transcript Excerpt of Tri Nguyen [#98] and Defendant's Deposition Transcripts of Jim Tatum [#116], Greg Tatum [#115], and Jennifer Wilkinson [#114], have been received by the Court and are deemed admissible for use or introduction as potential exhibits, if successfully offered and received at trial.

Documents containing Jim Tatum's email address "piracy@cbt nuggets.com" will only be admissible as exhibits if the word "piracy" is redacted. When authenticating these documents by verbal testimony in open court, parties must *not* refer to the email address by name out-loud. For example, Jim Tatum may be shown a document and asked "is this your email?" or "do you recognize this email/letter as yours?" in order to authenticate it, but he may *not* be asked, "is your email address piracy@cbt nuggets.com."

No exhibits, from either side, have been received into evidence prior to trial. All exhibits must be offered and received in court during trial and are subject to further oral objection, redaction, and/or partition. The Court has completed its review for admissibility and renumbering of all the Defendant's exhibits, as per its preliminary ruling on Plaintiff's Objections to Defendant's Trial Exhibits [#103] during the pre-trial conference on 01/07/2014 [#112]. The following exhibits listed below (by *old* Exhibit Number and *new* Exhibit Number) are considered *potentially* admissible, if successfully offered and received at trial:

<u>Old #:</u>	<u>New #:</u>	<u>Description:</u>	<u>Date:</u>
101 A	201	Letter from Jim Tatum to Tri Nguyen, et al	4/5/11
107 E	202	Plaintiff's Responses to Request for Documents	12/12/13
108 A	203	Plaintiff's Response to 1 <sup>st</sup> Request for Admissions	4/4/13
108 B	204	Plaintiff's Response to 2 <sup>nd</sup> Request for Admissions	10/15/13
109 A	205	Plaintiff's Responses to Request for Interrogatories	4/1/13
109 C	206	Plaintiff's Responses to Request for Interrogatories	11/12/13
110 A	207	Plaintiff's Responses to 1 <sup>st</sup> Request for Documents	10/24/12

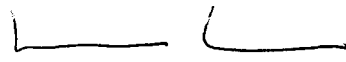
The following exhibits (by *old* Exhibit Number) are ruled *inadmissible* for lack of relevance under the Federal Rules of Evidence, or are duplicative of existing exhibits:

101B, 101C, 101D, 101E, 101F, 101G, 102A, 102B, 102C, 103A, 103B, 103C, 103D, 103E, 103F, 104A, 104B, 104C, 105A, 105B, 105C, 106A, 106B, 107A, 107B, 107C, 107D, 109B, 110B, 110C, 110D, and 111.

The Court will not entertain any further pre-trial motions prior to the start of trial.

IT IS SO ORDERED.

DATED this 9th day of January, 2014.

A handwritten signature in black ink, appearing to read 'Michael J. McShane', is positioned above a horizontal line.

Michael J. McShane  
United States District Judge